

STATE CORPORATION COMMISSION

AT RICHMOND, OCTOBER 2, 2002

APPLICATION OF

THE CITY OF BRISTOL

CASE NO. PUC-2002-0012

For a certificate of public
convenience and necessity to
provide local exchange
telecommunications services
and for interim operating authority

OCT-2 P 12:08

DOCUMENT CONTROL

ORDER ON MOTIONS FOR EXTENSION

On August 5, 2002, the City of Bristol d/b/a Bristol Virginia Utilities Board ("Bristol" or "Applicant") completed an application ("Application") with the State Corporation Commission ("Commission") for a certificate of public convenience and necessity ("certificate") to provide local exchange telecommunications services in the cities of Bristol and Norton and the counties of Washington, Scott, Lee, Wise, Russell, Tazewell, Smyth, and Grayson; and for interim operating authority to operate as a local exchange carrier. The initial Application filed by Bristol was amended on July 8, July 19, and July 25, 2002, and completed on August 5, 2002.

On August 16, 2002, the Commission issued an Order for Notice and Comment that, among other things, docketed this case, required public notice of the Application, and established a procedural schedule. Pursuant to that procedural schedule, comments and requests for hearing are due on or before October 3, 2002.

On September 27, 2002, Central Telephone Company of Virginia and United Telephone-Southeast, Inc. (jointly, "Sprint"), filed a Motion for Extension of Time and Motion for Protective Order. Sprint requests that the date for filing comments and requests for hearing be extended to a date seven (7) days after Sprint receives discovery responses deemed confidential by Bristol. Sprint states, among other things, that it needs this additional time to formulate meaningful comments and determine whether a hearing is necessary.

On September 27, 2002, the Virginia Cable Telecommunications Association ("VCTA") filed a Motion to Compel and Motion for an Extension of the October 3 Deadline. VCTA states that if it were required to file comments or a request for hearing based on the information that the Applicant has furnished to date, written comments would not be meaningful and written requests for a hearing might not furnish an accurate statement of the specific action sought, an accurate statement of the legal basis for such action, or any precise statement of the factual matters that could be resolved by a hearing. VCTA asserts, among other things, that an extension of at least one month is needed.

On September 27, 2002, Bristol filed a Motion for Protective Order. Bristol states that the parties to this proceeding do not object to the granting of such motion.

On September 30, 2002, Charter Communications, Inc. ("Charter"), filed a Motion in Support of VCTA Motion for an

Extension of Commission's October 3rd Comment Deadline. Charter requests that the Commission extend the comment deadline for a reasonable period so that all of the interested parties have adequate time to gather and analyze all of the factual issues that will impact the Commission's analysis and consideration of Bristol's Application. On October 1, 2002, Charter filed a letter to provide supplemental support for an extension. Charter asserts, among other things, that resolution of outstanding discovery issues will extend beyond October 3, 2002. Charter requests an extension of thirty (30) days.

On October 1, 2002, Bristol filed a Response to the Motions of Charter, VCTA, and Sprint. Bristol requests that the Commission put into place the protective order that Bristol requested by motion dated September 27, 2002. Bristol also requests that the Commission deny the various motions for extension; in the alternative, Bristol requests that the Commission limit any extension for the filing of comments and requests for hearing to no later than October 10, 2002. Bristol states its concern that any delay of this proceeding occasioned by its competitors may cause the Applicant to irreparably lose valuable market share as customers tire of waiting for the certification process. Bristol asserts that it has received over 750 unsolicited requests for service by prospective residential customers and more than 50 prospective business customers.

On October 1, 2002, Hearing Examiner Michael D. Thomas issued a ruling that grants a protective order for this proceeding.¹ That ruling also requires Bristol, within three (3) business days after the receipt of an Agreement to Adhere to Protective Ruling, to supply such requesting party with the information it had refused to provide in the absence of a protective order.

NOW UPON CONSIDERATION of the pleadings, the Commission extends the date for filing comments and requests for hearing to October 10, 2002.

Accordingly, IT IS HEREBY ORDERED THAT:

(1) Any person desiring to comment in writing on Bristol's Application may do so by directing such comments on or before October 10, 2002, to the Clerk of the Commission at the address set forth below. On or before October 10, 2002, a copy of such comments shall be served on Bristol's counsel. Comments must refer to Case No. PUC-2002-00126.

(2) On or before October 10, 2002, any person wishing to request a hearing on Bristol's application shall file an original and fifteen (15) copies of its request for hearing in writing with Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Written requests for hearing shall refer to Case No. PUC-2002-

¹ The Commission's Order Permitting Limited Interim Operating Authority, dated September 27, 2002, assigned a Hearing Examiner to this case for the purpose of ruling on any discovery matters that may arise in this proceeding.

00126 and shall state the following: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in this matter. On or before October 10, 2002, a copy of such request for hearing shall be served on Bristol's counsel.

(3) This matter is continued.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: J. D. Bowie, Esquire, J. D. Bowie Law Office, P.O. Box 1178, Bristol, Virginia 24203-1178; JoAnne L. Nolte, Esquire, The Conrad Firm, 1508 West Main Street, Richmond Virginia 23220; Wesley R. Rosenbaum, General Manager, City of Bristol d/b/a Bristol Virginia Utilities Board, P.O. Box 8100, Bristol, Virginia 24203-8100; Robert G. Scott, Esquire, and K. C. Halm, Esquire, Cole Raywid & Braverman, LLP, 1919 Pennsylvania Avenue, N.W., Suite 200, Washington, D.C. 20006-3458; David W. Ogburn, Jr., Esquire, Verizon Virginia Inc., 600 East Main Street, Suite 1100, Richmond, Virginia 23219-2441; Robert M. Gillespie, Esquire, and Cliona M. Robb, Esquire, Christian & Barton, L.L.P., 909 East Main Street, Suite 1200, Richmond, Virginia 23219; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; James B. Wright, Senior Attorney, Sprint Mid-Atlantic

Telecom, 14111 Capital Boulevard, Wake Forest, North Carolina
27587-5900; and the Commission's Office of General Counsel and
Divisions of Communications and Economics and Finance.